

**IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT**

JACK TANNEHILL

PLAINTIFF

VS.

CIVIL ACTION NO. 25-636

**BFI WASTE SERVICES, LLC
AND JOHN DOES 1-10**

DEFENDANTS

COMPLAINT

Jury trial is requested.

COMES NOW, the Plaintiff, Jack Tannehill, by and through his attorney, Daniel D. Ware, and files this, his Complaint against Defendant BFI Waste Service, LLC and John Does 1-10, and hereby states the following, to wit:

PARTIES, JURISDICTION AND VENUE

1. The Plaintiff is a resident citizen of Hinds County, Mississippi.
2. That Defendant, BFI Waste Services, LLC (hereinafter "BFI") is a corporation incorporated under the laws of the State of Delaware, whose agent for process is C T Corporation System at 631 Lakeland Drive, Flowood, Mississippi 39232.
3. Defendants John Does 1-10 are any one or more persons who are employees of the Defendant and were acting within the scope of employment whose actions and/or omissions are hereby imputed to the Defendant and whose identities are unknown at this time, and whose identity may be disclosed through the discovery of this cause and at such time may be served with process according to Mississippi Rules of Civil Procedure.
4. Plaintiff reserves the right to identify or change the identity of these

additional Defendants based upon discovery.

5. This court has jurisdiction over the Defendants because the negligent and acts and omissions of the Defendants that were committed in whole or in part in the state of Mississippi against a resident of the state of Mississippi.

6. Venue is proper in Hinds County, First Judicial District, Mississippi, pursuant to Mississippi Code Annotated § 11-11-3.

STATEMENT OF FACTS

7. Defendant BFI Waste Services, LLC owns a warehouse in 4340 Milwaukee Street, Jackson, First Judicial District of Hinds County, Mississippi.

8. This warehouse was leased to Stafford Transport Of Louisiana, Inc. on March 1, 2013; who used the said warehouse for storage of goods and equipment.

9. Stafford Transport later became Custom Ecology, Inc.

10. Plaintiff believes a new lease was never signed by the parties again.

11. On or about, July 20, 2022, Plaintiff was employed by Custom Ecology, Inc.

12. His employer required that Plaintiff climb upon raised floor to move some equipment around.

13. During the movement of the equipment, the floor gave away and crashed onto the ground.

14. The raised floor was defective and had not been maintained by any agent of the Defendant, causing the Plaintiff to fall several feet.

15. Plaintiff sustained injuries to his back and shoulder resulting in a surgery

TLIF at L3-4, injections in his shoulders and had physical therapy.

16. Due to his injuries, Plaintiff was unable to return to work for Custom Ecology, Inc.

17. Plaintiff suffered permanent injuries and is limited to light duty.

18. Being a mechanic his entire life; this injury has been a life altering event.

19. In the normal course of events, but for some negligent action and/or omission on the part of the Defendants, their agents, representatives or employees, the floor would have been properly maintained and the Plaintiff would not have suffered bodily injuries by falling onto the hard floor of the warehouse.

20. That at all times herein mentioned, the Plaintiff conducted himself in a careful, cautious and prudent manner and was in no way responsible for or contributed to the fact the raised floor was defective and not maintained by the Defendants.

21. The Defendant, their agents, representatives or employees, knew or should have known that the raised floor would have been used the lessee and that that heavy equipment would be kept there. Plaintiff was an invitee that suffered permeant injuries.

LEGAL ALLEGATIONS

22. The Plaintiff hereby incorporates by reference and re-alleges the information set forth in the forgoing paragraphs.

23. That the Plaintiff was an employee of the lessee during at the time of the injury.

24. Defendant BFI, and its agents and/or representatives are liable to the

Plaintiff, for the care, maintenance, safety of all of person and invitees. The Defendants had care, control and custody of the warehouse, and due their actions and/or omissions caused Plaintiff to be put in harm's way.

25. As a result of the said actions and/or omissions of the Defendants, Plaintiff has permanent pain, suffering and will continue to suffer.

26. That the Defendants owed a duty to its invitees and especially the Plaintiff to exercise ordinary safety, care and maintenance of the establishment so as to not put Plaintiff and invitees at risk; and by not taking the proper care and safety, knew or should have known that it would put Plaintiff in harm's way.

27. The Defendant, by not repairing the said warehouse allowed hazardous and dangerous conditions for persons in the warehouse. Defendants were negligent and or grossly negligent so causing injuries and damages to Plaintiff in one or more ways:

a. Failure to do all things reasonable and necessary acts to prevent injuries to damages to customers and especially the Plaintiff herein. That the Defendants, through its agents, representatives or employees failed to prevent the defective raised floor hazard and in such a manner and location as to cause the injuries and damages complained of herein.

b. That the Defendant failed to properly inspect the area in order to insure that it was properly maintained and not defective for person to use.

c. That the Defendant failed to properly inspect the area for use, it failed to take proper precautions to prevent the workers, and the Plaintiff, in particular, from falling in the area while unsafe to do so.

d. The Defendant failed to warn the invitees and Plaintiff, in particular that the area was unsafe to walk in and around.

e. Failed to keep a safe and hazard free environment for invitees, especially the Plaintiff herein;

f. Failed to warn there was dangerous and hazardous of the raised floor;

g. Failed to provide proper maintenance to the raised floor as to prevent injuries and damages to invitees, especially the Plaintiff herein.

28. As a direct and proximate result of the Defendant's negligence, the Plaintiff have suffered bodily injuries and damages, resulting in pain and suffering, mental anguish and emotional distress, and has incurred and will continue to incur medical expenses and other expenses related to the injuries and damages they suffered.

29. Plaintiff's losses, injuries, expenses are both permanent and temporary in nature.

30. That the Defendants owed a duty to the Plaintiff to exercise reasonable care and in warning the Plaintiff concerning the defective hazard and/or to keep the area in a reasonably safe condition for the Plaintiff. That the Defendants breached that duty.

31. That as a direct and proximate result of the aforesaid negligence of the Defendants, the Plaintiff was injured due to the fall including but not limited to his back, shoulder, elbow and side.


32. The Plaintiff suffered, and will continue to suffer, excruciating physical and mental pain, anguish, and discomfort as a result of said fall. The Plaintiff's injuries are both temporary and permanent in nature.

33. As a direct and proximate result of the aforesaid negligence of the Defendants, the Plaintiff incurred expenses for doctor bills, hospital bills, medicine, and other necessary medical expenses, and he will continue to incur such expenses in the future.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff brings this action and demands judgment against the Defendants for compensatory damages as a result of the negligent and/or grossly negligent actions and/or omissions evidencing a willful, wanton, and reckless disregard for Plaintiff, pre and post judgment interest and for all costs of this action, including attorney's fees, in an amount as determined by a jury for all claims, compensatory damages, together, and any other relief the Court deems just and appropriate.

Respectfully submitted,

Jack Tannehill

By: 
Daniel Ware, His attorney

Daniel D. Ware (MSB 10,847)
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Magee, Mississippi 39111
(601) 439-7079
dware@warelawfirm.com

COVER SHEET

Civil Case Filing Form

(To be completed by Attorney/Party
Prior to Filing of Pleading)Mississippi Supreme Court Form AOC/01
Administrative Office of Courts (Rev 2009)

Court Identification Docket #

25 1 10

County # Judicial District Court ID
(CH, CI, CO)

Month Date Year

This area to be completed by clerk

Case Year

2025

Docket Number

636

Local Docket ID

Case Number if filed prior to 1/1/94

In the CIRCUIT

Court of HINDS

County —

FIRST

Judicial District

Origin of Suit (Place an "X" in one box only)

- ☒ Initial Filing ☐ Reinstated ☐ Foreign Judgment Enrolled ☐ Transfer from Other court ☐ Other
☐ Remanded ☐ Reopened ☐ Joining Suit/Action ☐ Appeal

Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual Tannehill Jack
Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IVCheck (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:
D/B/A _____

Address of Plaintiff Hinds Mississippi

Attorney (Name & Address) Daniel D. Ware, 103 3rd Street, Magee MS 39111

MS Bar No. 10847

Check (x) if Individual Filing Initial Pleading is NOT an attorney

Signature of Individual Filing: Daniel D. Ware

Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual _____
Last Name First Name Maiden Name, if applicable M.I. Jr/Sr/III/IVCheck (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:
Estate of _____Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:
D/B/A or Agency _____

Business BFI Waste Services, LLC

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:
D/B/A _____

Attorney (Name & Address) - If Known

MS Bar No.

Damages Sought: Compensatory \$ _____ Punitive \$ _____ Check (x) if child support is contemplated as an issue in this suit.*

*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

Nature of Suit (Place an "X" in one box only)

| Domestic Relations | Business/Commercial | Children/Minors - Non-Domestic | Real Property |
|---|---|--|--|
| <input type="checkbox"/> Child Custody/Visitation | <input type="checkbox"/> Accounting (Business) | <input type="checkbox"/> Adoption - Contested | <input type="checkbox"/> Adverse Possession |
| <input type="checkbox"/> Child Support | <input type="checkbox"/> Business Dissolution | <input type="checkbox"/> Adoption - Uncontested | <input type="checkbox"/> Ejectment |
| <input type="checkbox"/> Contempt | <input type="checkbox"/> Debt Collection | <input type="checkbox"/> Consent to Abortion Minor | <input type="checkbox"/> Eminent Domain |
| <input type="checkbox"/> Divorce: Fault | <input type="checkbox"/> Employment | <input type="checkbox"/> Removal of Minority | <input type="checkbox"/> Eviction |
| <input type="checkbox"/> Divorce: Irreconcilable Diff. | <input type="checkbox"/> Foreign Judgment | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Judicial Foreclosure |
| <input type="checkbox"/> Domestic Abuse | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Civil Rights | <input type="checkbox"/> Lien Assertion |
| <input type="checkbox"/> Emancipation | <input type="checkbox"/> Replevin | <input type="checkbox"/> Elections | <input type="checkbox"/> Partition |
| <input type="checkbox"/> Modification | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Expungement | <input type="checkbox"/> Tax Sale: Confirm/Cancel |
| <input type="checkbox"/> Paternity | <input type="checkbox"/> Probate | <input type="checkbox"/> Habeas Corpus | <input type="checkbox"/> Title Boundary or Easement |
| <input type="checkbox"/> Property Division | <input type="checkbox"/> Accounting (Probate) | <input type="checkbox"/> Post Conviction Relief/Prisoner | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Separate Maintenance | <input type="checkbox"/> Birth Certificate Correction | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Torts |
| <input type="checkbox"/> Termination of Parental Rights | <input type="checkbox"/> Commitment | <input type="checkbox"/> Contract | <input type="checkbox"/> Bad Faith |
| <input type="checkbox"/> UIFSA (eff 7/1/97; formerly URESA) | <input type="checkbox"/> Conservatorship | <input type="checkbox"/> Breach of Contract | <input type="checkbox"/> Fraud |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Guardianship | <input type="checkbox"/> Installment Contract | <input type="checkbox"/> Loss of Consortium |
| <input type="checkbox"/> Appeals | <input type="checkbox"/> Heirship | <input type="checkbox"/> Insurance | <input type="checkbox"/> Malpractice - Legal |
| <input type="checkbox"/> Administrative Agency | <input type="checkbox"/> Intestate Estate | <input type="checkbox"/> Specific Performance | <input type="checkbox"/> Malpractice - Medical |
| <input type="checkbox"/> County Court | <input type="checkbox"/> Minor's Settlement | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Mass Tort |
| <input type="checkbox"/> Hardship Petition (Driver License) | <input type="checkbox"/> Muniment of Title | <input type="checkbox"/> Statutes/Rules | <input checked="" type="checkbox"/> Negligence - General |
| <input type="checkbox"/> Justice Court | <input type="checkbox"/> Name Change | <input type="checkbox"/> Bond Validation | <input type="checkbox"/> Negligence - Motor Vehicle |
| <input type="checkbox"/> MS Dept Employment Security | <input type="checkbox"/> Testate Estate | <input type="checkbox"/> Civil Forfeiture | <input type="checkbox"/> Product Liability |
| <input type="checkbox"/> Worker's Compensation | <input type="checkbox"/> Will Contest | <input type="checkbox"/> Declaratory Judgment | <input type="checkbox"/> Subrogation |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Injunction or Restraining Order | <input type="checkbox"/> Wrongful Death |
| | | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |